



# BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

## A G E N D A

APRIL 9, 2007

*Commissioner Joe Ford, Chairman*  
*Commissioner David Lillard, Chairman Pro Tempore*  
*Commissioner Joyce Avery*  
*Commissioner Henri E. Brooks*  
*Commissioner Wyatt Bunker*  
*Commissioner Mike Carpenter*  
*Commissioner Sidney Chism*

*Commissioner George Flinn*  
*Commissioner J.W. Gibson II*  
*Commissioner James Harvey*  
*Commissioner Deidre Malone*  
*Commissioner Steve Mulroy*  
*Commissioner Mike Ritz*

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8/27/2007 10:18 AM

**2:30 P.M. COMMISSION CONVENES**

**CALL TO ORDER: Deputy Sheriff Kraemer**

**INVOCATION** Elder John Glenn Brown, Associate Minister  
Temple of Deliverance Church of God in Christ  
Founder - Bishop Gilbert Earl Patterson

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

### Approval of Minutes of Previous Session

## C O N S E N T A G E N D A

### Resolutions of Memorial, Sympathy and Commendation

**LILLARD ADOPTED** 1. **Memorial Resolution for Ivory Wells, a beloved citizen of Memphis and Shelby County whose life touched and inspired many others.**

### Ordinances

**MALONE APPROVED** 2. **ORDINANCE – FIRST READING - An Ordinance to amend Chapter 12, Code of Ordinances, Shelby County Government, so as to establish a living wage standard.**

### Zoning and Subdivisions

- |  |   |
|--|---|
| <b>RITZ<br/>(DEFERRED<br/>TO 04/23/07)</b> | 3. Resolution to release the bond that secured the improvements to Lost Creek P.D. (P.D. 04-381 CC).  |
| <b>RITZ<br/>ADOPTED</b>                    | 4. Resolution to release the bond that secured the improvements to Buckingham Farms P.D., Part of Parcel O, Phase 28 (P.D. 95-310 CC).  |
| <b>RITZ<br/>(DEFERRED<br/>TO 04/23/07)</b> | 5. Resolution to approve the agreement to secure the improvements to Sunset Ridge P.D. (P.D. 02-341 CC) and authorize the recording of the plat when bonding procedures have been fulfilled.          |
| <b>RITZ<br/>ADOPTED</b>                    | 6. Resolution to approve the plat for Ledford Subdivision (S 06-067 CO) and authorize the recording of the plat.  |
| <b>RITZ<br/>(DEFERRED<br/>TO 04/23/07)</b> | 7. Resolution to release the bond that secured the improvements to St. Andrews Place P.D. (P.D. 04-314 CC).   |
| <b>RITZ<br/>ADOPTED</b>                    | 8. Resolution to approve the agreement to secure the improvements to Stone Creek P.D., Phase 1, (P.D. 06-345 CC) and authorize the recording of the plat when bonding procedures have been fulfilled. |
| <b>RITZ<br/>ADOPTED</b>                    | 9. Resolution to approve the agreement to secure the improvements to Stone Creek P.D., Phase 2, (P.D. 06-345 CC) and authorize the recording of the plat when bonding procedures have been fulfilled. |

**Reports and/or Resolutions of Standing Committees**

- |                            |  |
|----------------------------|--|
| <b>MALONE<br/>ADOPTED</b>  | 10. Resolution calling the Shelby County Board of Equalization into its sessions for Tax Year 2007.  |
| <b>MALONE<br/>ADOPTED</b>  | 11. Resolution to return funds in the amount of \$1,125.00 to members of the Baptist Ministerial Association and other taxpayers for reimbursement to Shelby County Government for the travel of Commissioner Henri E. Brooks to the United States Department of Justice, Civil Rights Division regarding a complaint and request for an investigation of Juvenile Court of Memphis and Shelby County. |
| <b>LILLARD<br/>ADOPTED</b> | 12. Resolution authorizing the mayor to execute a grant agreement with Delta Regional Authority that provides grant assistance in the amount of \$597,627.00 for design and construction of a public sanitary sewer system in the Brunswick Community and to amend the FY 2006/2007 Budget.  |

**LILLARD  
ADOPTED**

13. Resolution authorizing the mayor to enter into a contract with Powers Hill Design, LLC, for sewer design services for a public sanitary sewer system in the Brunswick Community and to appropriate funds in the amount of \$114,500.00.

**LILLARD  
ADOPTED**

14. Resolution amending the FY 2006/2007 Operating Budget and authorizing the Shelby County Division of Public Works to begin receiving funds from the City of Memphis (CA No. 22646) in FY 2006/2007 Operating Budget of a one time funding of \$500,000.00 and an average of \$80,000.00 per year, thereafter, for operations of a permanent Household Hazardous Waste Program and to establish an Operations and Maintenance account and approving hiring one (1) durational part time employee for the aforementioned Household Hazardous Waste Facility.

**LILLARD  
ADOPTED**

15. Resolution approving contract with Barnes & Brower, Inc., for the construction of a permanent Household Hazardous Waste Facility, funds available through City of Memphis, Grantee, of a \$500,000.00 state grant (Grant No. GG-07-12743-00) from the Tennessee Department of Environment and Conservation for the provision of developing a permanent site for the collection of household hazardous waste.

**CHISM  
(REMOVED  
TO REGULAR  
AGENDA)  
(DEFERRED  
TO 04/23/07)**

16. Resolution approving contract between Shelby County Government on behalf of the Juvenile Court of Memphis and Shelby County, and Tennessee Voices for Children in the amount of \$109,200.00 to provide intensive treatment for children with severe emotional disturbance.

**RITZ  
ADOPTED**

17. Resolution approving expenditure of funds by the Department of Construction Code Enforcement out of the FY 2007 Operating Budget in the amount of \$285,738.48 for the purchase of eighteen replacement utility vehicles for Code Enforcement inspectors.

**HARVEY  
ADOPTED**

18. Resolution to amend the Hotel Motel Tax Fund budget for the FY 2007 to provide additional funding to the Convention Center for Operations.

**FLINN  
ADOPTED**

19. Resolution amending the FY 2006/2007 Operating Budget of the Head Start Program and appropriating program income in the amount of \$65,000.00 for use in the operation of the Head Start Program.

**GIBSON  
(DEFERRED  
TO 04/23/07)**

20. Resolution appropriating funds in the amount of \$30,000.00 for in-kind improvements to the Community Center of the New Chicago neighborhood.

MALONE  
ADOPTED

CONSENT AGENDA

***REGULAR AGENDA***

**Elections, Appointments, and Confirmations**

BROOKS  
ADOPTED

21. Resolution approving the county mayor's nomination of Edith H. Kelly-Green for appointment to the Memphis and Shelby County Center City commission.

BROOKS  
ADOPTED

22. Resolution approving the county mayor's nomination of Clifford Stockton, Sr., for the joint city-county appointment to the Memphis and Shelby County Industrial Development Corporation.

BROOKS  
ADOPTED

23. Resolution approving the county mayor's nomination of Jon K. Thompson for reappointment to the Memphis and Shelby County Airport Authority.

GIBSON  
ADOPTED

24. Resolution approving the county mayor's nomination of Aubrey Howard, Scott Fleming, Nisha Powers, Nick Clark and Cato Johnson for re-appointment to the Shelby County Needs Assessment Committee.

BROOKS  
ADOPTED

25. Resolution electing a member of the Tennessee General Assembly to the Office of State Representative for the Eighty Ninth House District of Tennessee.

**Ordinances**

MALONE  
ADOPTED

26. **ORDINANCE – THIRD READING** – An Ordinance to amend the Shelby County Code of Ordinances, Chapter 2, Article II, Section 2-57, relative to the purchase, sale, exchange of materials, supplies, commodities, equipment and real estate, from to or with any federal, state or local governmental entity.

CHISM  
ADOPTED

27. **ORDINANCE – THIRD READING** – An Ordinance to amend the Shelby County Code of Ordinances to add a new chapter entitled "Emergency Communication Services (911)" relative to the prevention of the placing of non emergency calls to the Emergency 911 number, or the sending of non emergency messages to a public safety answering point, and the penalty for violation of this ordinance.

**Zoning and Subdivisions**

**RITZ  
ADOPTED**

- 28.    CASE NO. P.D. 05-372 CC**  
**APPLICANT:**            **R. S. Harris**
- LOCATION:**              **Northeast corner of Pisgah Road and  
Latting Road**
- REQUEST:**            **A planned development to create six  
single family, detached lots  
(minimum lot size -- 41,195 square  
feet)**
- Memphis and Shelby County Office of Planning and  
Development recommendation:**  
**APPROVAL WITH CONDITIONS**
- Memphis and Shelby County Land Use Control Board  
recommendation:**  
**APPROVAL WITH CONDITIONS**
- (Notice of public hearing published in the Daily News on  
Friday, March 30, 2007.)**

**Reports and/or Resolutions for Standing Committees**

**CHISM  
(DEFERRED  
TO 04/23/07)**

- 29.    Resolution amending the FY 2006/2007 Operating  
Budget of the Juvenile Court of Memphis and Shelby  
County.**

**HARVEY  
(DEFERRED  
TO 05/07/07)**

- 30.    Resolution approving retainage of a law firm for the  
purpose of initiating litigation against PC Sports, M.A.  
Mortenson Company, and /or Ellerbe Becket.**

**MULROY  
ADOPTED**

- 31.    Resolution to amend Shelby County Retirement System  
Plan A to add a certain tax qualifying provision, to add a  
definition previously omitted inadvertently, to permit  
certain in-service distributions after a participant attains  
age 62, and to permit retirees to direct that the cost of  
retained county benefits be deducted from their  
pensions.**

**BROOKS  
ADOPTED**

- 32.    Resolution to amend and restate Shelby County  
Retirement System Plan B, generally effective January 1,  
2007.**

**BROOKS  
ADOPTED**

- 33.    Resolution to amend Shelby County Retirement System  
Plan C to add a certain tax qualifying provision to permit  
certain in-service distributions after a participant attains  
age 62, and to permit retirees to direct that the cost of  
retained county benefits be deducted from their  
pensions.**

**MULROY  
ADOPTED**

- 34.    Resolution approving proposed legislation and  
requesting the Shelby County Legislative Delegation to  
support a legislative bill entitled "An Act to amend  
Tennessee Code Annotated, Title 33, to create a pilot**

project to transform the community based mental health and substance abuse care systems in certain counties."

MULROY  
ADOPTED

35. Resolution requesting the Tennessee General Assembly to adopt a two year moratorium on executions.

MULROY  
ADOPTED

36. Resolution requesting the Shelby County Legislative Delegation to support a legislative bill entitled "An Act to amend Tennessee Code Annotated Chapter 426 of the Public Acts of 1991, relative to authorizing an Environmental Hearing Officer for certain Environmental Courts."

Announcements/Statements

37. Notification from county mayor of various appointments/reappointments to Boards, Commissions, and offices of Shelby County Government.
- a) Resolution approving the county mayor's nomination of William L. Taylor for appointment to the Memphis and Shelby County Industrial Development Corporation.

Adjournment

FLINN  
ADOPTED

38. Resolution of Adjournment to Monday, April 23, 2007, at 2:30 p.m.